

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

Plaintiff,

v.

Any and All Funds on Deposit at JPMorgan Chase
Account Number 61442003 Held in the Name of CIA
Minera Aurifera Santa Rosa SA, AKA COMARSA,
et. al,

Defendants-in-
Rem.

Civil Action No. 12-CV-7530 (GBD)

**NOTICE OF CLAIM PURSUANT
TO SUPPLEMENTAL RULE G(5)**

Please take notice that by and through its undersigned attorneys, Claimant CIA Minera Aurifera Santa Rosa SA (“COMARSA”), by this notice makes a claim for certain property subject to the above-captioned proceeding, specifically: (a) any and all funds on deposit at JPMorgan Chase Account Number 61442003; and (b) any and all funds on deposit at Banco de Comercio Account Number 110020258939, both of which are defendants-in-rem in this action.

Please take further notice that Claimant will rely upon the attached signed Claim pursuant to 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(5) of the Federal Rules of Civil Procedure in support of its claim to the property, as well as an Answer and any other dispositive motions to be filed subsequent to the filing of this Claim as provided for by the applicable statutes and rules.

In connection with filing this notice of claim, COMARSA also asserts the following:

Since the complaint was filed, the U.S. Attorney's Office that brought this actions has: (a) dismissed the complaint against the account in the name of Republic Metals, (b) dismissed the complaint against the account in the name of Italpreziosi, SPA, and (c) allowed new sales of gold/silver bars to occur between COMARSA and Italpreziosi on, as it turns out, the exact same type of transactions about which the complaint alleges wrongdoing from 2008 - 2010. These actions not only undermine the complaint as any of it remains, but calls into question whether there was ever a basis, let alone probable cause, to bring this action in the first place. The U.S. Attorney's Office has also been made aware of further substantial factual errors and omissions in its complaint, as well as the political nature of the allegations against COMARSA that were made in Peru and adopted into the complaint here.

The actions of the U.S. Attorney's Office, including its hasty press release, without basis and with numerous errors (which its actions of dismissal suggest it recognizes) have caused serious damage to the business and reputations of COMARSA and its management. COMARSA looks forward to answering each and every allegation, showing the errors of the U.S. Attorney, demonstrating the lack of basis for this action to have been brought, and quantifying the damage the U.S. Attorney has caused.

Dated: December 7, 2012

Respectfully submitted,

/s/ Abbe David Lowell

Abbe David Lowell

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Attorneys for Claimant CIA Minera Aurifera Santa Rosa SA.

**Claim for Any and All Funds On Deposit and/or Seized
from JPMorgan Chase Account Number 61442003 and
Banco de Comercio Account Number 110020258939**

I, **PELAYO NICANOR LIZARDO MIRANDA CHAVARRI**, am the Deputy General Manager of claimant CIA Minera Aurifera Santa Rosa SA ("COMARSA"). Under penalty of perjury, I hereby file this claim contesting the forfeiture of any and all funds in JP Morgan Chase Account Number 61442003 and Banco de Comercio Account Number 110020258939, identified as defendants-in-rem in the above-captioned action.

1. COMARSA is making a claim contesting the forfeiture of any and all funds seized from and/or on deposit in JP Morgan Chase Account Number 61442003 and Banco de Comercio Account Number 110020258939, identified in the above-captioned action.
2. COMARSA is the owner of these accounts, as well as any and all funds contained therein and seized therefrom, including funds that would be transferred to the U.S. Marshals Service pursuant to the Order of this Court of October 26, 2012, and is identified as the named accountholder for both accounts in the Complaint.

I swear under penalty of perjury, pursuant the laws of the United States, that the foregoing is true and correct to the best of my information and belief.

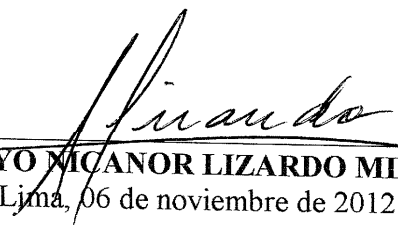

PELAYO NICANOR LIZARDO MIRANDA CHAVARRI
Dated: Lima, November 06th 2012

**Reclamo por cualquier y todos los fondos en depósito y / o la incautación de la
cuenta número 61442003 en el Banco JP Morgan Chase
y la cuenta número 110020258939 en el Banco de Comercio**

Yo, **PELAYO NICANOR LIZARDO MIRANDA CHAVARRI**, soy el Gerente General Adjunto de la solicitante Compañía Minera Aurífera Santa Rosa S.A. ("COMARSA"). Bajo pena de perjurio, hago el presente reclamo con el propósito de impugnar la confiscación de todos y cada uno de los fondos depositados en la cuenta número 61442003 en el Banco JP Morgan Chase y en la cuenta número 110020258939 en el Banco de Comercio, identificadas como las partes demandadas *in rem* en el proceso en referencia.

1. COMARSA reclama el derecho de impugnar la confiscación de todos y cada uno de los fondos retenidos y / o en la cuenta número 61442003 en el Banco JP Morgan Chase y en la cuenta número 110020258939 en el Banco de Comercio identificados en el proceso en referencia.
2. COMARSA es el propietario y dueño de las antedichas cuentas bancarias, así como de los fondos depositados y retenidos en las mismas, inclusive los fondos que serían transferidos al Servicio de Marshals de EE.UU. según la Orden de esta Corte del 26 de octubre 2012, y se identifica como titular de las dos antedichas cuentas.

Juro bajo pena de perjurio, según las leyes de los Estados Unidos, que lo anterior es cierto y verdad.


PELAYO NICANOR LIZARDO MIRANDA CHAVARRI
Fecha: Lima, 06 de noviembre de 2012.

CERTIFICATE OF SERVICE

I hereby certify that, on December 7, 2012, I caused a true and correct copy of the Notice of Claim to be served via the CM/ECF system upon Preet Bharara, United States Attorney for the Southern District of New York, Sarah E. Paul, Assistant United States Attorney, and Paul Monteleoni, Assistant United States Attorney.

/s/ Abbe David Lowell
Abbe David Lowell